## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA ALEXANDRIA DIVISION

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
v.	)	Case No. 1:04-cr-385 (LMB)
ALI AL-TIMIMI,	)	
Defendant.	) )	

## RENEWED MOTION FOR ACQUITTAL ON COUNT 1 IN LIGHT OF INTERVENING AUTHORITY

Defendant Dr. Ali Al-Timimi respectfully submits this renewed motion for a judgment of acquittal on Count 1 of the operative indictment in light of intervening authority by both this Court and the Supreme Court. The purpose of this motion is to supplement Al-Timimi's currently pending motion for acquittal on Counts 7 and 8 to also include Count 1.

As this Court has recently recognized, 18 U.S.C. § 924(o) utilizes the same residual clause as § 924(c)(3)(B). *See*, *e.g.*, *United States v. Khan*, No. 1:03-cr-296-LMB (E.D. Va., August 1, 2018), Dkt. No. 922 ("Khan Op.") at 11, n.6 ("Although one of the convictions that Khan is challenging is under 18 U.S.C. § 924(o), not § 924(c), § 924(o) incorporates § 924(c) . . . . Therefore, any analysis of the constitutionality and appropriate interpretation of § 924(c) applies equally to § 924(o)."). As outlined in the accompanying memorandum, Dkt. No. 446, the defense respectfully submits that Al-Timimi is entitled to a judgment of acquittal on Count 1 for the same reasons as defendants Khan and Chapman, and that his judgment should be adjusted accordingly as detailed in the attached proposed order.

The parties have conferred, and the government opposes the motion.

Dated: August 17, 2018 Respectfully submitted,

/s/

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## **CERTIFICATE OF SERVICE**

I certify that on August 17, 2018, I will file the foregoing document on the CM/ECF system, which will then serve it by sending an electronic notification to:

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/s/\_\_\_

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